

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,983	LEWIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Keenan	3652	

All participants (applicant, applicant's representative, PTO personnel):

- (1) James Keenan. (3) Mike Lewis.  
 (2) Mark Bellerman. (4) Chad Conard.

Date of Interview: 30 August 2005.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: samples of coal, dry grain, and wet and dry grain by-products.

Claim(s) discussed: 1, 6, 49 and 54.

Identification of prior art discussed: Bostrom et al, of record.

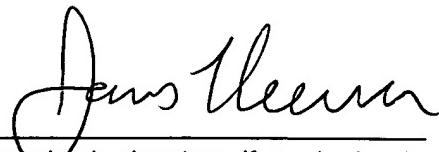
Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It was agreed that adding the limitations of claims 49 and 54 (copy attached) to claims 1 and 6, respectively, would overcome the rejection of record. Further searching and consideration would be required. Applicant will file a supplemental amendment prior to the next Office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Original) A method of supplying a bulk quantity of moist grain by-product using rail transport, the method comprising:

Moist

loading a bulk quantity of most grain by-product into an invertible railroad container to provide a railroad container which contains moist grain by-product;  
transporting the railroad container containing moist grain by-product; and  
inverting the railroad container with the grain by-product thereby removing the moist grain by-product from the inverted railroad container.

2. (Original) The method of claim 1, further comprising:

covering the moist grain by product in the railroad container; and  
uncovering the moist grain by-product in the railroad container prior to inverting the railroad container to remove the moist grain by-product.

3. (Original) The method of claim 2, further comprising covering the moist grain by-product with a tarp.

4. (Currently amended) The method of claim 2, further comprising removing the moist grain by-product from the inverted railroad ~~ear~~ container to at least one grain moving device which is below a grade of the inverted railroad container.

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5. (Currently amended) The method of claim 4, further comprising transferring the moist cereal grain by-product from the grain moving device to a transportation vehicle for distribution to users of the moist cereal grain by-product.

6. (Currently amended) A method of supplying a bulk quantity of moist cereal grain by-product using rail transport, the method comprising:

loading a bulk quantity of moist cereal grain by-product into an invertible railroad container to provide a railroad container containing cereal grain by-product;

covering the moist cereal grain by-product in the railroad container;

transporting the railroad container containing moist cereal grain by-product;

uncovering the moist cereal grain by-product in the railroad container in which the by-product was covered;

inverting the railroad container with the moist cereal grain by-product, thereby removing the moist cereal grain by-product from the railroad container; and

removing the moist cereal grain by-product from the inverted railroad ~~ear~~ ear container onto a grain by-product moving device which is below a grade of the inverted railroad container.

7. (Original) The method as recited in claim 6, further comprising transferring the moist cereal grain by-product from the grain moving device to a transportation vehicle for distribution to users of the moist cereal grain by-product.

8. (Currently amended) The method as recited in claim 6, wherein the railroad ~~ear~~ ear container is aluminum and the covering of the moist cereal grain by-product is a flexible tarp.

9. (Withdrawn) A system for transporting a bulk quantity of moist grain by-product comprising:

a railroad container body;

a plurality of trucks carrying the railroad container body;

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a railroad container inverter; and  
a conveyor for receiving the moist grain by-product from the inverted railroad container body.

10. (Withdrawn) The system of claim 9, further comprising a transportation vehicle for distributing the moist grain by-product to users of the moist grain by-product.

11. (Withdrawn) The system of claim 9, further comprising a wind screen located above and adjacent to at least one end of said railroad container body, the wind screen having at least one surface which is effective for deflecting air current which is generated in a direction opposite to movement of the container body when the container body is moving as part of a railroad car.

12. (Withdrawn) The system of claim 9, further comprising a flexible cover for covering at least a portion of a quantity of moist cereal by-product within said railroad container body.

13. (Withdrawn) The system of claim 12, further comprising at least one supporting rib connected to the railroad container body for supporting the flexible cover and having a breakaway portion which can be severed under a load from the moist grain by-product on the rib when the railroad container is inverted.

14. (Withdrawn) The system of claim 9, wherein the railroad container body is corrosion resistant.

15. (Withdrawn) The system of claim 13, wherein the railroad container body is aluminum.

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16. (Withdrawn) A system for transporting moist cereal grain by-product, comprising:

an open railroad container body comprised of aluminum;  
a plurality of trucks carrying said railroad container body;  
a wind screen located above and adjacent to at least one end of said railroad container body, the wind screen having at least one surface which is effective to deflect air current which is generated in a direction opposite to movement of the container when the container is moving as part of a railroad car;  
a flexible cover for covering at least a portion of a quantity of moist cereal by-product within said railroad container body;  
at least one supporting rib connected to the railroad container body for supporting the flexible cover and having a breakaway portion which can be severed under a load from moist cereal grain by-product on the rib when the railroad container is inverted;  
a railroad container inverter;  
and a conveyor for receiving moist cereal by-product from the inverted railroad container and transporting the by-product.

17. (Withdrawn) A system for transporting a bulk quantity of moist grain by-product comprising: a railroad container body comprised of aluminum;

a plurality of trucks carrying the railroad container body;  
a wind screen located above and adjacent to at least one end of the railroad container body, the wind screen having at least one surface which is effective for deflecting air current which is generated in a direction opposite to the movement of the container when the container is moving as part of a railroad car;  
a flexible cover for covering at least a portion of a quantity of moist grain by-product within the railroad container body;  
at least one supporting rib connected to the railroad container body for supporting the flexible cover and having a breakaway portion which can be severed under a load from the moist

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grain by-product on the rib when the railroad container body is inverted;  
a railroad container inverter;  
a conveyor for receiving moist grain by-product from the inverted railroad container;  
and a transportation vehicle for distributing the moist grain by-product to users of the moist grain by-product.

18. (Withdrawn) The system of claim 17, wherein the moist grain by-product is a cereal grain by-product.

19. (Withdrawn) A system for transporting a bulk quantity of moist grain by-product comprising;  
a train having at least about 50 railroad cars having inner-side walls and a floor which are adapted for hauling moist grain by-product;  
a railroad car inverter;  
and a conveyor for receiving the moist grain by-product from the inverted railroad car when the car is inverted to unload the moist grain by-product.

20. (Withdrawn) The system of claim 19, further comprising a transportation vehicle for distributing the moist grain by-product to users of the moist grain by-product.

21. (Withdrawn) The system of claim 19, further comprising a wind screen located above and adjacent to at least one end of each of the railroad cars, the wind screen having at least one surface which is effective for deflecting air current which is generated in a direction opposite to movement of the car when it is moving.

22. (Withdrawn) The system of claim 19, further comprising a flexible cover for covering at least a portion of the moist cereal by-product within the railroad car.

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23. (Withdrawn) The system of claim 22, wherein the tarp is supported by a plurality of supporting ribs, the ribs having a breakaway portion which can be severed under a load from the moist grain by-product on the rib when the railroad car is inverted.

24. (Withdrawn) The system of claim 19, wherein the railroad car is corrosion resistant.

25. (Withdrawn) The system of claim 19, wherein the railroad car is aluminum.

26. (Withdrawn) A system for transporting a bulk quantity of moist grain by-product comprising: a train having at least about 50 railroad cars having inner-side walls and a floor which are adapted for hauling moist grain by-product comprised of aluminum;

a wind screen located above and adjacent to at least one end of each of the railroad cars, the wind screen having at least one surface which is effective for deflecting air current which is generated in a direction opposite to movement of the car when it is moving;

a flexible cover for covering at least a portion of the moist cereal by-product within the railroad car that is supported by a plurality of supporting ribs, the ribs having a breakaway portion which can be severed under a load from the moist grain by-product on the rib when the railroad car is inverted;

a railroad container inverter;

a conveyor for receiving the moist grain by-product from the inverted railroad car when the car is inverted to unload the moist grain by-product;

and a transportation vehicle for distributing the moist grain by-product to users of the moist grain by-product.

27. (Withdrawn) The system of claim 26, wherein the moist grain by-product is a cereal grain by-product.

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28. (Withdrawn) A system for transporting moist grain by-product, the system comprising: a train having at least about 50 open railroad cars having corrosion-resistant, inner-side walls and floor which are adapted for hauling moist grain by-product;

a wind screen located above and adjacent to at least one end of each of the railroad cars, the wind screen having at least one surface which is effect for deflecting air current which is generated in a direction opposite to movement of the car when it is moving;

a flexible cover for covering at least a portion of the moist cereal grain by-product when the product is loaded into the car;

a railroad car inverter;

a conveyor for receiving the moist cereal by-product from the railroad car when the car is inverted to unload the moist cereal grain by product;

and the open railroad cars in the train effective for storing the moist grain by-product as it is produced without the need for storing the by-product at a production site which produces the moist grain by-product.

29. (Withdrawn) A system as recited in claim 28, wherein the open railroad cars comprise aluminum and the tarp is supported by a plurality of supporting ribs when covering the grain by-product, the ribs having a breakaway portion which can be severed under a load from the by-product when the railroad car is inverted to unload it.

30. (Withdrawn) A tarp assembly for selectively covering an open top of a railway car, the tarp assembly comprising: a tarp selectively movable between an open position allowing access to an interior of the railway car and a closed position limiting access to the interior of the railway car;

and a frame attachable to the railway car for supporting the tarp in the closed position.

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31. (Withdrawn) A tarp assembly as recited in claim 30, further comprising: a windscreen positioned at an end of the railway car effective to reduce air flow beneath the tarp in the closed position for preventing the tarp from significantly rising relative to the frame.

32. (Withdrawn) A tarp assembly according to claim 30, wherein the frame does not protrude substantially beyond sides and ends of the railway car.

33. (Withdrawn) A tarp assembly according to claim 30, wherein the tarp has an end secured relative to a first longitudinal side of the railway car and an opposite end attached to a rod, and the frame includes an elongate member attached at a second longitudinal side of the railway car opposite the first longitudinal side, the elongate member having a groove therein for receiving the rod when the tarp is in the closed position effective to secure the end of the tarp having the attached rod.

34. (Withdrawn) A tarp assembly according to claim 33, wherein the frame includes a pair of end assemblies positioned at opposite ends of the railway car, the end assemblies being configured to provide a surface for contacting of the railway car with an inverter for rotating the railway car to an upended position.

35. (Withdrawn) A tarp assembly according to claim 34, wherein the frame comprises a plurality of rib members extending between the first and second longitudinal sides of the railway car for supporting the tarp.

36. (Withdrawn) A tarp assembly according to claim 35, wherein the rib members each comprise a rib element pivotably attached via a hinge to a side of the railway car and a shank element attached to an opposite side of the railway car, the shank and rib elements telescopingly slidably with respect to each other between a position extending between the sides of the railway car for supporting the tarp, and a position whereby the rib elements are separable

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from the shank elements to allow the rib elements to pivot about the hinges upon exertion of sufficient force.

37. (Withdrawn) A tarp assembly according to claim 36, wherein the tarp is wound around the rod when moving to the open position allowing access to the interior of the railway car.

38. (Withdrawn) A method of selectively allowing or restricting access to an interior of a railway car via an open top end thereof, the method comprising: providing a tarp movable between an open position allowing access to the interior of the railway car and a closed position restricting access to the interior of the railway car, the tarp having first and second edges;

attaching a frame to the railway car for supporting the tarp between sides and ends of the railway car;

and sizing the frame to not substantially protrude beyond the sides and ends of the railway car.

39. (Withdrawn) A method according to claim 38, including positioning a windscreen proximate at least one end of the railway car, the windscreen effective to reduce air flow beneath the tarp when the tarp is in the closed position.

40. (Withdrawn) A method according to claim 39, including: securing the first edge of the tarp to a first side of the top end of the railway car;

providing a rod secured to the second edge of the tarp;

securing the rod to a second side of the top end of the railway car, the second side being opposite the first side, for restricting access to the interior of the railway car;

and winding the tarp around the rod for permitting access to the interior of the railway car.

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41. (Withdrawn) A method according to claim 40, comprising providing surfaces on the top end of the railway car for contact by an inverter for rotating the railway car to an upended position.

42. (Withdrawn) A method according to claim 41, comprising supporting the tarp in the closed position with a plurality of rib members extending between the first and second sides of the railway car.

43. (Withdrawn) A method according to claim 42, comprising adapting the rib members to disconnect relative to a side of the railway car to pivot about a hinge relative to the opposite side upon exertion of sufficient force thereon.

44. (Withdrawn) A method according to claim 43, comprising blocking air from flowing underneath the tarp with a wind screen positioned at ends of the railway car between the first and side sides thereof.

45. (Currently amended) The method of claim 1, wherein inverting comprises rotating the railroad ~~car~~ container at least about 120 to about 180 degrees.

46. (New) The method of claim 1, wherein the moist grain by-product is selected from the group consisting of corn gluten feed, corn gluten meal, corn grits, and wheat bran.

47. (New) The method of claim 1, wherein the moist grain by-product is selected from the group consisting of corn gluten feed, corn distillers grains, distillers grains with solubles, and corn bran.

48. (New) The method of claim 1, wherein the moist grain by-product comprises corn gluten feed.

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49. (New) The method of claim 1, wherein the moist grain by-product has a moisture content of 30% - 70%.

*V about*

50. (New) The method of claim 1, further comprising:  
loading a bulk quantity of most grain by-product into about 50 or more invertible railroad containers;

arranging the railroad containers in a train;  
transporting the train of railroad containers containing moist grain by-product; and  
inverting the railroad containers with the grain by-product thereby removing the moist grain by-product from the inverted railroad containers.

51. (New) The method of claim 6, wherein the moist cereal grain by-product is selected from the group consisting of corn gluten feed, corn gluten meal, corn grits, and wheat bran.

52. (New) The method of claim 6, wherein the moist cereal grain by-product is selected from the group consisting of corn gluten feed, corn distillers grains, distillers grains with solubles, and corn bran.

53. (New) The method of claim 6, wherein the moist cereal grain by-product comprises corn gluten feed.

54. (New) The method of claim 6, wherein the moist grain by-product has a moisture content of 30% - 70% by weight.

*V about*

55. (New) The method of claim 6, further comprising:  
loading a bulk quantity of most cereal grain by-product into about 50 or more invertible

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railroad containers;

arranging the railroad containers in a train;

covering the moist cereal grain by-product in the railroad containers;

transporting the train of railroad containers containing moist cereal grain by-product;

uncovering the moist cereal grain by-product in the railroad containers in which the by-product was covered;

inverting the railroad containers with the moist cereal grain by-product, thereby removing the moist cereal grain by-product from the railroad containers; and

removing the moist cereal grain by-product from the inverted railroad containers onto a grain by-product moving device which is below a grade of the inverted railroad containers.